

Montana Department of Natural Resources and Conservation Water Resources Division Water Rights Bureau
<b>ENVIRONMENTAL ASSESSMENT</b> <b>For Routine Actions with Limited Environmental Impact</b>

**Part I. Proposed Action Description**

1. Applicant/Contact name and address:

Applicant:

Fairview Cemetery District  
c/o Bruce Schendel  
P.O. Box 822  
Three Forks, MT 59752-0822

Attorney:

William P. Driscoll  
Franz & Driscoll PLLP  
P.O. Box 1155  
Helena, MT 59624-1155

2. Type of action: Application to Change an Existing Irrigation Water Right No. 41F 30105914.
3. Water source name: Groundwater.
4. Location affected by project: NW of Section 6, T01 N, R02 E, Gallatin County.



**Figure 1:** Map of location affected by project.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The applicant proposes to add well GWIC ID No. 249275 as a secondary point of diversion to their existing provisional permit. They propose to operate only one well at a time and to not exceed their maximum permitted flow rate. No changes for the pattern or

schedule of irrigation are proposed. They propose to use the existing sprinkler and pipeline irrigation infrastructure and to connect the new well to the existing system. The applicant has not proposed any changes to the purpose or place of use of Provisional Permit No. 41F 30015696.

The Department shall issue a change authorization if the Applicant proves the criteria in §85-2-402, MCA, are met.

6. Agencies consulted during preparation of the Environmental Assessment:
- Montana Department of Fish, Wildlife & Parks (FWP) – Montana Fisheries Information System (MFISH)
    - <http://fwp.mt.gov/fishing/mFish>
  - Montana Department of Environmental Quality (DEQ) – Clean Water Act Information Center (CWAIC)
    - <http://deq.mt.gov/wqinfo/CWAIC/default.mcp>
  - Montana National Heritage Program (MTNHP) – Species of Concern:
    - <http://mtnhp.org/SpeciesOfConcern>
  - U.S. Fish & Wildlife Service (USFWS) – National Wetlands Inventory Wetlands Mapper
    - <http://www.fws.gov/wetlands/Data/Mapper.html>
  - Natural Resource Conservation Service (NRCS) – Web Soil Survey (WSS)
    - <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>
  - Montana Bureau of Mines and Geology (MBMG) – Ground Water Information Center (GWIC)
    - <http://mbmggwic.mtech.edu>

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

*Determination:* No significant impact identified.

Groundwater is not listed by DFWP. The nearest surface water source is the Madison River, located approximately 1.5 miles away. As determined by a search of MFISH conducted on December 29, 2016, the Madison River is not listed as chronically or periodically dewatered by DFWP. This change will not significantly impact water quantity conditions because the volume of groundwater diverted will not change. The applicant is only adding a second point of diversion.

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

*Determination:* No significant impact identified.

The source of water is groundwater, which is not listed by the Montana Department of Environmental Quality (DEQ). The well is unlikely to affect adjacent surface water quality, as Red Tiger Drilling, a licensed driller (license number WWC-598), has constructed the well in accordance with the rules of the Board of Water Well Contractors.

The DEQ CWAIC website does not list groundwater. The nearest surface water source is the Madison River, located approximately 1.5 miles away. As determined by a search of the CWAIC website conducted on December 29, 2016, this reach of the Madison River is listed as not fully supporting drinking water or aquatic life uses. It was not assessed for primary contact recreation or agriculture.

The CWAIC website lists the following impairments: alteration in stream-side or littoral vegetative covers due to agriculture and impacts from abandoned mine land; arsenic from natural sources; sedimentation-siltation from dam construction, abandoned mines, and agriculture; and water temperature alteration from hydro-structure flow regulation-modification and natural sources. This well is unlikely to impact surface water quality.

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

*Determination:* No significant impact identified.

The source of water is groundwater. Groundwater quality is not likely to be affected by the proposed well, as Red Tiger Drilling, a licensed driller, has constructed the well in accordance with the rules of the Board of Water Well Contractors. Groundwater supply will not be significantly affected because the volume of groundwater diverted will not change. The applicant is only adding a second point of diversion.

The well is located approximately 1.5 miles from the nearest surface water source, the Madison River. As this change application proposes only to add a second point of diversion and not to increase the flow rate or volume pumped, impacts on flows in the Madison River will not change from their current condition. The proposed second well is located approximately 400 feet away from the existing permitted well.

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

*Determination:* No significant impact identified.

Consistent with applicable laws and locally accepted practices, water will be diverted using a well with a pump. Red Tiger Drilling, a licensed driller, has constructed the well in accordance

with rules of the Board of Water Well Contractors. No significant impacts to existing resources due to the diversion works have been identified.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”*

*Determination:* No significant impact identified.

The Montana National Heritage Program’s website was queried on December 29, 2016. Results are summarized below.

#### **Animal Species**

- Thirteen (13) Animal Species of Concern: Sprague’s Pipit, Golden Eagle, Great Blue Heron, Burrowing Owl, Ferruginous Hawk, Veery, Bobolink, Pinyon Jay, Clark’s Nutcracker, Long-billed Curlew, Sage Thrasher, Brewer’s Sparrow, Greater Short-horned Lizard.
- Zero (0) Animal Potential Species of Concern.
- One (1) Animal Special Status Species: Bald Eagle.

#### **Plant Species**

- Zero (0) Plant Species of Concern.
- Zero (0) Plant Potential Species of Concern.
- Zero (0) Plant Special Status Species.

The proposed project is to pump water from a second well for use in an existing irrigation sprinkler system in a cemetery, so the proposed changes should not have a significant impact on any wildlife in the area.

**Wetlands** - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

*Determination:* No significant impact identified.

A December 29, 2016, search of the USFWS Wetlands Mapper did not identify any wetlands in the project area.

**Ponds** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

*Determination:* No impact identified.

This project does not involve ponds.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

*Determination:* No significant impact identified.

Pumping water from a second well for use in an existing irrigation system will not significantly impact soil quality, stability, or moisture content. As this area is semi-arid, artificial irrigation will help establish and maintain vegetation, which would help soil quality and stability. The project area is already irrigated. A December 29, 2016, search of the NRCS WSS site did not identify any saline seeps in the area.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination:* No significant impact identified.

The entire place of use is already irrigated, and existing vegetation will continue to be irrigated. The proposed project will not significantly affect the vegetative cover.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:* No impact identified.

This project will not impact air quality.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

*Determination:* Not applicable.

The project is not located on State or Federal Lands. Furthermore, the Applicant made no mention of significant historical or archeological sites on the property.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:* No impact identified.

No other demands on environmental resources of land, water, or energy have been identified.

## HUMAN ENVIRONMENT

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* No significant impact identified.

The applicant's goals are to continue using the same volume and flow rate of water they have historically used, but to add a second point of diversion to their water right permit to add flexibility to the operation of their system. Irrigation is a commonly accepted practice within the semi-arid state of Montana and in the Three Forks area, and the proposed project is consistent with local goals of maintaining an aesthetically pleasing cemetery.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* No impact identified.

The proposed project is located in a cemetery on private property and will not affect access to recreational activities or the quality of recreational and wilderness activities.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* No impact identified.

Adding a second well to an existing irrigation system will not impact human health.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

Yes\_\_\_ No X *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:* No impact identified.

The project does not impact government regulations on private property rights.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

(a) Cultural uniqueness and diversity? No impacts identified.

(b) Local and state tax base and tax revenues? No significant impacts identified.



- (c) Existing land uses? No significant impacts identified.
- (d) Quantity and distribution of employment? No impacts identified.
- (e) Distribution and density of population and housing? No impacts identified.
- (f) Demands for government services? No significant impacts identified.
- (g) Industrial and commercial activity? No impacts identified.
- (h) Utilities? No significant impacts identified.
- (i) Transportation? No impacts identified.
- (j) Safety? No impacts identified.
- (k) Other appropriate social and economic circumstances? No impacts identified.

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

3. ***Describe any mitigation/stipulation measures:*** Pursuant to §85-2-402(8), MCA, if this change application is approved, it may be subject to any terms, conditions, restrictions, and limitations that the Department considers necessary to meet the criteria for authorization of a change.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The applicant could continue using their one permitted well to irrigate the cemetery. This option would not provide the applicant with flexibility in the operation of their sprinkler system, should any problems arise with the existing permitted well. It also may involve higher utility costs related to pumping because of the elevation distance from one end of the cemetery to the other.

Another alternative would be to purchase all irrigation water from the City of Three Forks. This may involve higher costs for the cemetery.

A no-action alternative would be not to irrigate the cemetery at all or to xeriscape the cemetery. The applicant already has a permit to irrigate the entire cemetery with the one existing permitted well. Xeriscaping may not fit with the aesthetic goals of the cemetery and may involve significant monetary and temporal costs related to purchasing new plants and landscaping/labor.



### *PART III. Conclusion*

**1. Preferred Alternative:** The preferred alternative is to grant the change application if the applicant proves that the criteria in §85-2-402, MCA, are met.

**2 Comments and Responses:** None.

**4. Finding:**

Yes\_\_\_ No X Based on the significance criteria evaluated in this EA, is an EIS required?

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:* The EA is the appropriate level of analysis because the proposed project is to add a second point of diversion to an existing water right. None of the identified impacts for any of the alternatives is significant as defined in ARM 36.2.524. No significant adverse effects are anticipated.

*Name of person(s) responsible for preparation of EA:*

*Name:* Brent Zundel

*Title:* Hydrologist/Water Resource Specialist

*Date:* January 27, 2017